

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

JUNE 6, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
MAY 16, 2007 REGULAR MEETING**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING AN AMENDMENT TO THE FY 06-07 BUTTE-SILVER BOW BUDGET FOR UNANTICIPATED REVENUE FOR CENTRAL EQUIPMENT MAINTENANCE BUDGET. (Communication No. 07-339 being held in Committee of the Whole) Proof of publication

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING AN AMENDMENT TO THE FY 06-07 BUTTE-SILVER BOW BUDGET FOR UNANTICIPATED REVENUE FOR GENERAL FUND PARKS BUDGET. (Communication No. 07-340 being held in Committee of the Whole) Proof of publication.

SECTION III

PRESENTATION COMMUNICATION NO. 07-356

Karen Byrnes, Director Community Development Department, requesting time on 6/6/07 agenda for presentations of redevelopment proposals for the Kelley Warehouse.

SECTION IV

PRESENTATION COMMUNICATION NO. 07-373

Rob Dollar, President/GM, requesting time on the 6/6/07 agenda to make a presentation on the Toyota of Butte proposal for Butte, Montana and requesting a tax abatement.

SECTION V

PRESENTATION COMMUNICATION NO. 09-397

David G. Gates, Vice President Northwestern Energy, requesting time on the 6/13/07 agenda to make a presentation on proposed Mountain States Transmission Intertie Project.

SECTION VI

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. PETITIONS

- 1. 07-6 John Harrington, Building Official, requesting on behalf of Three Dog Holdings, Inc. to close and vacate a portion of Meadowlark Lane in SE ¼ of section 32, T3N, R7W. **Recommendation: refer to Public Works Committee.**
- 2. 07-7 John Harrington, Building Official, requesting on behalf of Joe J. Shoemaker, to close and vacate a portion of an alley adjacent to Blocks 5 and 12 in the Kemper Addition. **Recommendation: refer to Public Works Committee.**

C. COMMUNICATIONS

- 1. 07-344 John C. VanDaveer, Director of Public Works Department,

requesting approval of line item budget transfers.
Recommendation: refer to Finance and Budget Committee.

2. 07-345 Karen Byrnes, Director URA, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
3. 07-346 Jeffrey L. Miller, Director of Fire Services, requesting authorization for Chief Executive to sign change order with Tri-County Mechanical and Electrical, Inc. **Recommendation: concur and place on file.**
4. 07-347 Tim Clark, Personnel Director, requesting adoption of an amendment to the mental illness benefit under Health Benefit Plan for Employees of the Butte-Silver Bow Government. **Recommendation: concur and place on file.**
5. 07-349 Patrick M. Callaghan, Treasurer, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
6. 07-350 John P. Walsh, Sheriff, requesting approval of the implementation of an agreement regarding services of the Butte-Silver Bow Law Enforcement Department with Jim's Bar. **Recommendation: concur and place on file.**
7. 07-351 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
8. 07-352 Kevin Dennehy, Executive Director St. James Hospital, requesting waiver of fees and permission to use Chester Steele Park for July 3rd, 2007 events for the benefit of the "Participate for Life" program, a non-profit organization. **Recommendation: refer to Public Works Committee.**
9. 07-353 Silver Bow Fire Council Members, requesting credit for car and truck license plates for volunteer firefighters. **Recommendation: refer to Judiciary Committee.**
10. 07-354 John C. VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
11. 07-355 Mary M. McMahon, Clerk and Recorder, requesting authorization for Chief Executive to sign contract with Xerox Corporation for

Quarterly estimated meter excess. **Recommendation: concur and place on file.**

12. 07-357 Karen Byrnes, Director Community Development Department, requesting public hearing be set for 6/13/07 to solicit public comment regarding proposals received for redevelopment of the Kelley Warehouse. **Recommendation: schedule public hearing for 6/13/07 and hold in Committee of the Whole**
13. 07-358 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
14. 07-359 Robert A. Macioroski, Land Records Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
15. 07-360 Jim Smitham, Executive Director BLDC, requesting permission to submit an application to Big Sky Economic Development Trust Fund.. **Recommendation: concur and place on file.**
16. 07-362 Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
17. 07-363 Stephen D. Hess, Senior Planner Planning Board, requesting conditional approval of the preliminary plat of Homestake Meadows – Phase II Major Subdivision. **Recommendation: concur and place on file.**
18. 07-364 Lori Casey, Senior Planner, requesting conditional approval of the final plat of the Sawmill Minor Subdivision. **Recommendation: concur and place on file.**
19. 07-365 Lori Casey, Senior Planner, requesting conditional approval of the Final Plat of the Woodards Minor Subdivision. **Recommendation: concur and place on file.**
20. 07-366 Stephen Hess, Senior Planner, requesting a public hearing for June 13, 2007 to receive comments concerning the Preliminary Plat of the Fleecer View – Phase I Major Subdivision. **Recommendation: schedule public hearing for 6/13/07 and hold in Committee of the Whole.**

21. 07-367 Dana Thompson, FSNE Extension Agent, regarding MSU Extension Food Stamp Nutrition Education Program. **Recommendation: concur and place on file**
22. 07-368 J. R. Richardson, Business Manager Butte Public Schools, requesting Council forgive back taxes on Parcel No. 1901770 in the Butte Townsite. **Recommendation: refer to Judiciary Committee.**
23. 07-369 Jack Whelan, Baseball Committee Chairman, requesting waiver of fees to sponsor a fireworks stand 6/24 through 7/5/07 for the benefit of Butte American Legion Baseball Committee. **Recommendation: concur and place on file.**
24. 07-370 Marijo MacDonald, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
25. 07-371 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
26. 07-374 Dan Dennehy, Health Officer, requesting building inspection be conducted on the Health Department Building at 25 W. Front Street and asking to allocate \$75,000 annual rent to long-term maintenance program. **Recommendation: concur with authorization of a building inspection and hold in Committee of the Whole.**
27. 07-375 Lori Maloney, Clerk of the Court, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
28. 07-376 Russ Connole, Economic Development Director, requesting authorization for Chief Executive to enter into annual service agreement with ADT Security Service for Business Development Center. **Recommendation: concur and place on file.**
29. 07-378 John C. VanDaveer, Director Public Works Department, requesting authorization for Chief Executive to execute contract with Smith Contracting, Inc. for demolition of Immaculate Conception School Complex. **Recommendation: concur and place on file.**

30. 07-379 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
31. 07-380 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
32. 07-381 Jeff Amerman, Finance and Budget Director, regarding proposed schedule of FY 07-08 budget process. **Recommendation: note and place on file.**
33. 07-382 Jeff Amerman, Finance and Budget Director, requesting public hearing for 6/13/07 concerning amending budget for unanticipated revenue from the disbursement of funds from Hard Rock Trust Reserve. **Recommendation: Schedule public hearing for June 13, 2007 and hold in Committee of the Whole.**
34. 07-383 Jeff Amerman, Director Finance and Budget Department, requesting public hearing for 6/13/07 concerning amending budget for unanticipated revenue from the disbursement of funds from Montana Board of Investments Intercap Loan. **Recommendation: schedule public hearing for 6/13/07 and hold in Committee of the Whole.**
35. 07-384 Jeff Amerman, Director Finance and Budget Department, requesting public hearing for 6/13/07 concerning amending budget for unanticipated revenue from the Hard Rock Reserve Loan for completion of Three Bears Road. **Recommendation: schedule public hearing for 6/13/07 and hold in Committee of the Whole.**
36. 07-385 Jan Wallace, President Chateau Quilters' Guild, requesting waiver of license fee to conduct a raffle for the benefit of the Chateau Quilters' Guild, a non-profit organization. **Recommendation: concur and place on file.**
37. 07-386 Jeff Amerman, Director Finance and Budget Department, regarding notice that Finance and Budget has made the TIFID Distributions. **Recommendation: note and place on file.**
38. 07-387 Jeff Amerman, Director Finance and Budget Department, requesting authorization for Chief Executive to sign a contract with Community Counseling and Correctional Services, Inc. for Detention Services at RYO Correctional Facility, **Recommendation: concur and place on file.**

39. 07-388 Tim Clark, Personnel Director, regarding reclassification of 22 employees within various departments of the government. **Recommendation: concur and place on file.**
40. 07-389 Jeffrey L. Miller, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
41. 07-390 Jeff Amerman, Director Finance and Budget Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
42. 07-391 Diane M. Giop, Public Library, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
43. 07-392 Sean Johnson, Chairman Evel Knievel Days, requesting temporary street closures for Evel Knievel Days 2007 Uptown District. **Recommendation: hold in Committee of the Whole while going through the process.**
44. 07-393 Robert L. White, President Big Butte Kiwanis, requesting permission to close uptown streets on 8/26/-7 for Custom Car Show. **Recommendation: hold in Committee of the Whole while going through the process.**
45. 07-394 Gary Keeler, Landfill Manger, requesting approval to enter into lease agreement with Rimrock Stages to operate Butte-Silver Bow Bus Transfer Station. **Recommendation: concur and place on file.**
46. 07-395 John P. Walsh, Sheriff, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
47. 07-396 Diane Giop, Public Library, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
48. 07-398 Russ Connole, Economic Development Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
49. 07-399 Russ Connole, Economic Development Director, requesting authorization for Chief Executive to sign Certificate of Substantial

Completion relating to Sowles Steel Erectors for building for SeaCast Project. **Recommendation: concur and place on file.**

50. 07-400 Russ Connole, Economic Development Director, requesting authorization for Chief Executive to enter into contract with Digital Junction Networks. **Recommendation: concur and place on file.**
51. 07-401 Russ Connole, Economic Development Director, requesting approval to refund and refinance the 1996 and 1997 Industrial Revenue Bonds relating to existing public infrastructure at the TIFID. **Recommendation: concur and place on file.**
52. 07-402 Shelly Jones, Administrative Aide, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 53.. 07-403 Shelly Jones, Administrative Aide, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
54. 07-404 Steve Egeline, District Ranger, requesting a letter of support for Thompson Park Salvage Project and three grants for the State of Montana Trails Program. **Recommendation: concur and place on file**
55. 07-405 Brian Holland, Project Green, requesting letter of support for a grant application Project Green in seeking from Kodak American Greenways. **Recommendation: concur and place on file.**
56. 07-406 Jon C. Sesso, Planning Director, requesting approval of request to amend covenants for Meriwether Ranch Owners' Association. **Recommendation: concur and place on file.**
57. 07-407 Mollie Kirk, Butte Celebrations, requesting approval of various activities for 4th of July Parade and related Freedom Fest Activities. **Recommendation: hold in Committee of the Whole while going through the process.**

SECTION VII COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-348 William Kirschke, requesting permission to utilize right-of-way at Park and Main for a brief period 6/9/07.

2. 07-361 Ed Randall, Community Enrichment Coordinator, requesting time on the 6/6/07 agenda to ask for approval to abate 717 W. Broadway owned by Heather Holland (Rowe).
3. 07-372 LeRoy Cottom, Chairman Historic Preservation Commission, requesting return of Civil War Memorial Cannon to Butte.
4. 07-377 Paul Babb, Chief Executive, requesting concurrence in approval of grant award of \$86,380.00 to Fortune Developers LLC.

SECTION VIII ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 07-38

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA HISTORIC PRESERVATION OFFICE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-39

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING RESERVE FUNDS FROM BUTTE-SILVER BOW GENERAL FUND RESERVES TO THE ROAD FUND IN THE BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT FOR DEMOLITION OF THE OLD IMMACULATE CONCEPTION SCHOOL AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-40

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE
PRELIMINARY PLAT OF TE HOMESTAKE MEADOWS PHASE II MAJOR

SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-41

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE SAWMILL MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 07-42

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE WOODARDS MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 07-43

A RESOLUTION TO DESIGNATE A SINGLE POINT OF CONTACT TO SERVE AS THE PRINCIPLE COORDINATOR FOR THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION IX ORDINANCES AND RESOLUTIONS –
SECOND READING**

**1. COUNCIL BILL NO. 07-7
ORDINANCE NO. 07-7**

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING 2.20.085, BSB MC ENTITLED “FEES OF SHERIFF”; ADDING A BAIL BOND FEE CHARGED BY THE SHERIFF AND PROVIDING FOR THE DEPOSIT OF SUCH AN INCREASE INTO THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION X

ORDINANCES AND RESOLUTIONS – FINAL READING

1. COUNCIL RESOLUTION NO. 07-30

A RESOLUTION URGING THE CESSATION OF WAR AND COMBAT OPERATIONS IN IRAQ; FOR THE RETURN OF AMERICAN TROOPS; FOR FULL FUNDING OF VETERANS' PROGRAMS TO MEET THE NEEDS OF AMERICA'S VETERANS, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-35

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CIVIC CENTER FROM THE BUTTE-SILVER BOW CIVIC CENTER CONCESSIONS TO BE USED FOR LABOR AND PRODUCTS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-36

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW FIRE DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND THE BOULEVARD VOLUNTEER FIRE DEPARTMENT SOCIAL FUND TO BE UTILIZED FOR EQUIPMENT FOR THE FIRE DEPARTMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION XI

ORDINANCES AND RESOLUTIONS – SUSPENSION OF THE RULES FOR FINAL PASSAGE

1. COUNCIL RESOLUTION NO. 07-37

A RESOLUTION SUPPORTING THE HEADWATERS RESOURCE CONSERVATION AND DEVELOPMENT (RC&D/ECONOMIC DEVELOPMENT DISTRICT COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION XII**CALENDAR OF OTHER MEETINGS AND EVENTS**

June 11	Archives	Noon	Archives Center
June 13	Fair Board	5:30 PM	Business Development Center
June 13	Law Enforcement	4 PM	Chief Executive's Conference Room
June 13	Library	5 PM	Library Building
June 18	Airport Authority	Noon	Bert Mooney Airport
June 19	Housing Authority	5:30 PM	Silver Bow Housing
June 19	Parks and Recreation	4:15 PM	Civic Center Conference Room
June 19	Technical Review Committee	1:30 PM	Water Company Building
June 20	Community Enrichment	3:30 PM	1st Floor Conference Room
June 20	Parking Commission	4 PM	Chief Executive's Conference Room
June 21	Zoning Board of Adjustment	5:30 PM	Council Chambers

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

MAY 23, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE AMENDING OF THE FY 06-07 BUDGET TO CREATE BUDGET AUTHORITY FOR UNANTICIPATED REVENUE FOR THE DEMOLITION OF THE OLD IMMACULATE CONCEPTION SCHOOL TO BE EXPENDED IN THE ROAD FUND. (Communication No. 07-331 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

John VanDaveer, Director of the Public Works Department made the staff report. Chairman O'Leary then opened the public hearing and called for any proponents. There being none he then called for any opponents. Again there was no response so he closed the public hearing.

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO HEAR AN APPLICATION FOR THE SECOND PHASE OF A MAJOR SUBDIVISION PER THE REQUIREMENTS OF THE BUTTE-SILVER BOW SUBDIVISION REGULATIONS, OF THE CONSOLIDATED CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA. (Communication No. 07-338 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jon Sesso, Planning Director, gave the staff report on Homestake Meadows, Phase II. There will be 58 lots in this subdivision. He showed an aerial photograph of the area. They are proposing the use of a community sewer system that will serve all the lots. Each of the lots will be served by an on-site well. It's the first of this kind in our area where we're talking about on-site wells but a community sewer system that is not tied to the city's sewer.

Chairman O'Leary then opened the public hearing and called for any proponents. The following came forth:

Ron Ueland, 122181 West Brown's Gulch Road. He said this system has

been approved by the DEQ.

There being no further proponents he called for opponents. There being no response he called the public hearing closed.

SECTION III REQUEST FOR QUALIFICATIONS

FOR THE PURPOSE OF ACCEPTING AND OPENING RESPONSES TO REQUEST FOR QUALIFICATIONS TO COMPLETE PROFESSIONAL ENGINEERING/ARCHITECTURAL SERVICES RELATED TO SEA CAST PROJECT AT TIFID NO. 2. (Communication No. 07-341 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Finance and Budget Director, opened the sole response. That is Lost Dolphin Enterprises. He requests that this proposal be referred to the TIFID Board for review and report back.

Commissioner Lee moved that the response be referred to the TIFID Board for review and report back to the Council and also place Communication No. 07-341 on file. The motion was seconded by Commissioner Moodry and carried by a unanimous verbal vote.

SECTION IV COMMUNICATION NO. 07-200

Glen Ballenger, Christy Stack and Cathy Decker, regarding their request to purchase the remainder of the Amy Mining Claim located in Walkerville. *Committee recommends that Communication No. 07-200 be denied and placed on file.*

SECTION V COMMUNICATION NO. 07-221

Robert J. Whelan, Attorney at Law, requesting Developer's Packet for lots 10 through 14 South of Eastside Athletic Club. *Committee recommends that Communication No. 07-221 be held in abeyance.*

SECTION VI COMMUNICATION NO. 07-259

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. *Committee recommends that Communication No. 07-259 be held in abeyance pending letter being sent to the Richardson Family Trust for the title action.*

SECTION VII**COMMUNICATION NO. 07-284**

Lori Maloney, Clerk of the Court, requesting Council schedule public hearing for 5/16/07 concerning unanticipated revenue in the Clerk of the Court Budget. *Committee recommends that Communication No. 07-284 be placed on file.*

SECTION VIII**COMMUNICATION NO. 07-285**

Mark and Scott Thompson, SMT Holdings LLC, requesting Hard Rock Mining Funds and time on the 5/2/87 agenda to make a presentation on the Montana Freeport Center. *Committee recommends that Communication No. 07-285 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 07-299**

Herb Leuprecht, Envision Butte, requesting funding for Berkeley Pit Viewing Stand Project. *Committee recommends that Communication No. 07-299 be held in abeyance.*

SECTION X**COMMUNICATION NO. 07-320**

Frank Fleming, Event Coordinator, requesting temporary street closures for 4th Annual Motorcycles and Miracles Fun Run on July 13, 14 and 15, 2007. *Committee recommends that Communication No. 07-320 be placed on file.*

SECTION XI**COMMUNICATION NO. 07-314**

John C. VanDaveer, Public Works Director, requesting time on 5/16/07 agenda to conduct a bid opening for the demolition and disposal of the Immaculate Conception School Complex. *Committee recommends that Communication No. 07-314 be placed on file.*

SECTION XII**COMMUNICATION NO. 07-331**

John C. VanDaveer, Public Works Director, requesting time on 5/23/07 agenda to conduct a public hearing to consider a resolution to amend FY 06-07 budget for receipt of unanticipated revenue. *Committee recommends that Communication No. 07-331 be placed on file.*

SECTION XIII**COMMUNICATION NO. 07-338**

Stephen D. Hess, Senior Planner, requesting time on the 5/23/07 agenda to conduct a public hearing for the Preliminary Plat of the Homestake Meadows Phase II Major Subdivision. *Committee recommends that Communication No. 07-338 be placed on file.*

SECTION XIV**COMMUNICATION NO. 07-339**

Jeff Amerman, Director Finance and Budget Department, requesting time on 6/6/07 agenda to conduct a public hearing for amending the budget for unanticipated revenue in Central Equipment Budget. *Committee recommends that Communication No. 07-339 be held in abeyance.*

SECTION XV**COMMUNICATION NO. 07-340**

Jeff Amerman, Director Finance and Budget Department, requesting time on 6/6/07 agenda to conduct a public hearing for amending the budget for unanticipated revenue in General Fund Parks Budget. *Committee recommends that Communication No. 07-340 be held in abeyance.*

SECTION XVI**COMMUNICATION NO. 07-341**

Russ Connole, Economic Development Director, requesting time on 5/23/07 agenda to open responses to Request for Qualifications too complete professional engineering/architectural services related to Sea Cast Project at TIFID No. 2. *Committee recommends that Communication No. 07-341 be placed on file.*

FINANCE & BUDGET COMMITTEE MEETING REPORT

MAY 23, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 07-142

Jeff Amerman, Finance and Budget Director, regarding request for \$174,712.00 loan payment to Butte Development Corporation. *Committee recommends that Communication No. 07-142 be denied and placed on file.*

SECTION II COMMUNICATION NO. 07-311

John C. VanDaveer, Public Works Director, requesting approval of lint item budget transfers. *Committee recommends that Communication No. 07-311 be approved and placed on file.*

SECTION III COMMUNICATION NO. 312

Danette Harrington, Auditor, requesting approval of line item transfers. *Committee recommends that Communication No. 07-312 be approved and placed on file.*

SECTION IV COMMUNICATION NO. 07-315

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-315 be approved and placed on file.*

SECTION V COMMUNICATION NO. 07-319

Edward A. Heard, Superintendent of Schools, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-319 be approved and placed on file.*

SECTION VI COMMUNICATION NO. 07-324

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-324 be approved and placed on file.*

SECTION VII**COMMUNICATION NO. 07-327**

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-327 be approved and placed on file.*

SECTION VIII**COMMUNICATION NO. 07-329**

John Harrington, Building Official, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-329 be approved and placed on file.*

SECTION IX**COMMUNICATION NO. 07-332**

Jeff Miller, Director of Fire Services, requesting approval of line item budget transfers. **Committee recommends that Communication No. 07-332 be approved and placed on file.**

SECTION X**COMMUNICATION NO. 07-334**

Dan Dennehy, Health Officer, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-334 be approved and placed on file.*

SECTION XI**COMMUNICATION NO. 07-336**

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-336 be approved and placed on file.*

SECTION XII**COMMUNICATION NO. 07-342**

Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-342 be placed on file.*

SECTION XIII**EXPENDITURE APPROVAL**

5/23/07

\$347,312.52

JUDICIARY COMMITTEE MEETING REPORT

MAY 23, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 06-673**

Mark and Shirley Rule, regarding proposal to enter into 5-yr. Lease and one 5-yr renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. ***Committee recommends that Communication No. 06-673 be held in abeyance.***

SECTION II **COMMUNICATION NO. 07-240**

J. R. Richardson, Business Manager Butte Public Schools, requesting council forgive property taxes on Parcel No. 1901770. ***Committee recommends that Communication No. 07-240 be held in abeyance until property is transferred into School District name.***

SECTION III **COMMUNICATION NO. 07-258**

Robert and Jackie Rolison, requesting the illegal cement barriers put across a public mining road known as Whiteside Place Road be removed within 10 days. ***Committee recommends that Communication No. 07-258 be denied and placed on file.***

SECTION IV COUNCIL BILL NO. 07-7 ORDINANCE NO. 07-7

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING 2.20.085, BSB MC ENTITLED “FEES OF SHERIFF”; ADDING A BAIL BOND FEE CHARGED BY THE SHERIFF AND PROVIDING FOR THE DEPOSIT OF SUCH AN INCREASE INTO THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-7, Ordinance No. 07-7 be placed on second reading and passed.*

SECTION V**COUNCIL RESOLUTION NO. 07-30**

A RESOLUTION URGING THE CESSATION OF WAR AND COMBAT OPERATIONS IN IRAQ; FOR THE RETURN OF AMERICAN TROOPS; FOR FULL FUNDING OF VETERANS' PROGRAMS TO MEET THE NEEDS OF AMERICA'S VETERANS, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-30 be placed on final reading and passed.*

SECTION VI**COUNCIL RESOLUTION NO. 07-35**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CIVIC CENTER FROM THE BUTTE-SILVER BOW CIVIC CENTER CONCESSIONS TO BE USED FOR LABOR AND PRODUCTS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-35 be placed on final reading and passed.*

SECTION VII**COUNCIL RESOLUTION NO. 07-36**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW FIRE DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND THE BOULEVARD VOLUNTEER FIRE DEPARTMENT SOCIAL FUND TO BE UTILIZED FOR EQUIPMENT FOR THE FIRE DEPARTMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-36 be placed on final reading and passed.*

SECTION VIII**CLAIM APPROVAL**

9789	John Yelenich	\$200.00	Demo Bond Refund
9848	Carol May	400.00	Demo Bond Refund
9849	Mitch Kovensky	200.00	Demo Bond Refund
10024	RBD Property LLC	4,032.16	Redeem Tax Assg.
10194	Richard J. Paul	3,283.60	Redeem Tax Assg.
10334	Shaunna McPhie	400.00	Demo Bond Refund

10157 Richard Peltomaa 1,000.00 St. Opening Bond Refund

Committee recommends approval of the above claims

PUBLIC WORKS COMMITTEE MEETING REPORT
MAY 23, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 05-66**

Charlie O'Leary, Commissioner District 5, requesting speed limits and urban highway designations on a portion of Western Boulevard and also Meadowlark. ***Committee recommends that Communication No. 05-66 be cross-referenced with Council Bill No. 06-2, Ordinance No. 06-2 and place on file.***

SECTION II **COMMUNICATION NO. 06-661**

Jon Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Trail Road and Little Basin Creek Road. ***Committee recommends that Communication No. 06-661 be held in abeyance.***

SECTION III **COMMUNICATION NO. 06-701**

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand). ***Committee recommends that Communication No. 06-701 be held in abeyance. New Communication No. 07-299 by Envision Butte, requesting funding presented to the Council Committee of the Whole.***

SECTION IV **COMMUNICATION NO. 07-165**

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns on E. Woolman Street. ***Committee recommends that Communication No. 07-165 be held in abeyance.***

SECTION V **COMMUNICATION NO. 07-247**

John W. Althof, Rail/Highway Safety Manager, regarding results of 2006 inventories at grade railroad crossings along Butte-Silver Bow rail lines.

Committee recommends that Communication No. 07-247 be forwarded to Public Works to complete. Place Communication No. 07-247 on file.

SECTION VI

PETITION NO. 07-4

John Harrington, Building Official, requesting on behalf of Jane Hurlbert to close and vacate Wynne Avenue adjacent to lots 1 and 36 of Block 5 and lots 18 and 19 of Block 4 of the Bellevue Addition. *Committee recommends that Petition No. 07-4 be held in abeyance.*